

CONVENTION AGAINST TORTURE

The Convention Against Torture (CAT), with its widely-accepted definition of "torture," is frequently invoked in the context of U.S. actions at detention centers at Guantanamo, Iraq, and Afghanistan. A State Party to CAT, the U.S. recently submitted our treaty compliance report, which included a response to the events at Abu Ghraib Prison. The U.S. declines to ratify the Optional Protocol to the Convention Against Torture (OPCAT), which would permit the Committee Against Torture to visit territories controlled by States Party where alleged violations of the CAT have occurred.

- The United States ratified the CAT in 1994 and is committed to actively preventing and addressing acts of torture within its borders.
- We are pleased that a U.S. citizen, Felice Gaer, is serving as an expert on the Committee Against Torture, to ensure that States Party are complying with their obligations under the CAT.
- In May 2005, the U.S. completed an exhaustive report of compliance with our obligations with the CAT, which contained a lengthy annex on investigations and holding individuals accountable for alleged violations of the CAT in Cuba, Afghanistan and Iraq. We expect to present this report to the Committee Against Torture in May 2006. Per Article 19 of the CAT, which requires reporting to the Committee every 4 years, our next report will be due in May 2009.



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Background: The Convention Against Torture (CAT) was adopted by the UN General Assembly in 1984. It has since been ratified by 139 countries, including the United States, which ratified the CAT in 1994. The CAT enumerates the steps its signatories must take to prevent acts of torture within their borders or any territory under that State's jurisdiction. These steps include taking effective

legislative, judicial or administrative steps to this end, including criminalizing all acts of torture, enacting appropriate penalties, and taking measures related to investigation, prosecution, and extradition, as well as providing the means for redress and fair compensation to victims of torture. Article 1(1) of the CAT contains the most widely accepted definition of "torture."

Committee Against Torture: Article 17 of the CAT provides for the creation of Committee Against Torture to oversee compliance. The Committee may make non-binding recommendations to State Parties. The Committee is comprised of ten members, nominated by the States Parties, who serve in their individual capacities as experts in the field. Under Article 21 of the CAT, a State Party may declare that it recognizes the competence of the Committee to receive a complaint against that State by another State Party. The United States has made such an inter-se declaration. In addition, under Article 22 of the CAT, a State Party can declare at any time that it recognizes the ability of the Committee to accept communications from individuals claiming violations of the CAT. The U.S. has made no such declaration.

Optional Protocol: In 2002, the General Assembly created an Optional Protocol to the CAT. There are currently 37 signatories to the Optional Protocol, only ten of which have ratified the document. The United States is not a party to the Optional Protocol. The purpose of the Optional Protocol is to "establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment." The Optional Protocol creates a Subcommittee on Prevention to carry out the visits.

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